

Remarks

The Examiner has rejected claims 1-34 and 35-43 as being unpatentable under 35 U.S.C. 103 over Letoffe et al. (U.S. Patent 4,532,315).

This rejection should be withdrawn.

Claim 14, and all other pending claims, that depend from Claim 14, require that the components of the dispersion be selected so that a coating formed from the dispersion have a "static initial water contact angle of a coating formed from the dispersion after 3 minutes equilibrium is greater than 130°."

Nothing in the Letoffe et al reference suggests such a result or suggests that there is any reason to develop a composition having such a result. The Letoffe et al. compositions in fact would not be expected to function in such a manner and Letoffe et al in fact teaches away from the required result of the invention. It is stated clearly in the presently pending specification, and in all claims, that the dispersion contains "insufficient hydrophilic components so that the static initial water contact angle of a coating formed from the dispersion after 3 minutes equilibrium is greater than 130°." Letoffe et al, to the contrary indicates that significant quantities of alkali or alkaline earth metal hydroxides be present as accelerators (Component D). Such hydroxides are hydrophilic and even when combined with acids result in hydrophilic salts. The examples of Letoffe et al clearly teach away from the presently claimed invention. In example 1 of Letoffe et al, (to the extent that it can be understood) clearly shows significant quantities of water soluble hydroxides (usually about 19% or more). Even small amounts of such water soluble hydroxides lead to high water attraction. Such compositions of Letoffe et al. would thus hardly be expected

to have a water contact angle of greater than 130°. In example 2, 17.6 parts of lime were added. Again lime (CaOH) is highly hydrophilic. In example 3, in three of the cases, 2.4, 3.6 and 4.8 parts of lime were added again creating a hydrophilic composition that would not have a required contact angle in accordance with the presently claimed invention. In the fourth case, Letoffe et al, suggests that without the hydrophilic accelerator, the composition is inferior having too much organic acid and a very long setting time of 24 hours again teaching away from the present invention.

It should be further pointed out that in no place does Letoffe et al suggest that a curing bonding agent be used. The present specification clearly teaches such a “curing bonding agent”. Such additional “curing bonding agent” avoids the curing problem of Letoffe et al without requiring a hydrophilic hydroxide that would adversely affect contact angle as is the case with the Letoffe et al. compositions.

It is therefore clear that the presently claimed compositions are not disclosed or suggested by the Letoffe et al. reference.

The Examiner has further rejected claims 34 under 35 U.S.C. 103 over Letoffe et al in view of either Hayashi et al or Takahashi et al. This rejection is again improper.

As previously discussed, Letoffe et al. does not suggest the presently claimed invention because:

a) Letoffe et al requires the use of a hydrophilic accelerator (D) that prevents a contact angle of greater than 130°; and

b) Letoffe et al does not suggest the curing bonding agent of the present invention that permits curing without a hydrophilic accelerator yet permits the high contact angle.

Neither Hayashi nor Takahashi cure these critical defects of Letoffe et al.

The Examiner's attention is drawn to the enclosed article by Schultz showing that the initial contact angle for various dispersions, including silicone resins is well below 130°. This is further supported by testing of the examples from European Patent 0 546 421 and U.S. Patent 5,700,853 showing a contact angle of less than 130°. It can not therefore be assumed, as the Examiner has done, that any silicone resin composition would meet the limitations of the present claims unless the system were specifically designed for that purpose and such could only be done based upon impermissible hindsight.

Conclusion

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,



Michael L. Dunn, Esq.
Registration Number 25330
CUSTOMER NO. 24041
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221-5406
Telephone No. 716-626-1564

MLD/mjk
Dated: November 24, 2003